

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

TIMOTHY R. FLAHERTY,

Defendant.

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CRIM. NO. 15-10127-MLW

GOVERNMENT'S MOTION TO STRIKE THE DEFENDANT'S UNTIMELY
MOTION FOR EARLY DISCOVERY

The defendant has filed an untimely motion seeking an Order compelling the government to make early disclosure and production of certain discovery materials. The defendant filed the discovery motion approximately 15 days before the government was obligated to produce initial discovery as required by the timing requirements of the Local Rules governing discovery in this district. The defendant requests that the government disclose material the defendant alleges to be exculpatory pursuant to *Brady v. Maryland*, 373 U.S. 83, 87 (1963). The government acknowledged its continuing obligation to provide disclosure under *Brady* in its June 17, 2015, discovery letter; discovery that was produced one week prior to the 28 days provided by the Local Rules. Furthermore, the government is mindful of its continuing obligation to disclose *Brady* material and will produce any such material immediately upon learning of its existence.

The government submits that it is in compliance with the Local Rules and the defendant points to no unique or urgent aspects of this case that would necessitate an exception to these rules or, in particular, Local Rule 116.3. Therefore, the defendant's premature discovery motion should be stricken and denied in its entirety.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: Robert A. Fisher
ROBERT A. FISHER
S. THEODORE MERRITT
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF)

/s/ Robert A. Fisher
ROBERT A. FISHER
Assistant United States Attorney

Date: June 22, 2015